
BZA-1846
BUFFALO WILD WINGS
Variance

STAFF REPORT
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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by attorney Joseph Bumbleburg and with consent from property owner, is requesting a variance to permit 92 sq. ft. of fascia signage instead of the maximum permitted 40 sq. ft. for a location within an integrated center, Levee Plaza. The property is located at 360 Brown Street, West Lafayette, Wabash 20 (NW) 23-4. (UZO 4-8-7)

AREA ZONING PATTERNS:

The land in the requested variance is zoned CBW. The West Lafayette Levee is a mix of zones that do not follow property lines. The zoning in the Levee is CBW, FP, PDRS, and PDMX.

Originally, signs for businesses within integrated centers under NUZO had the same formula (taking into consideration road frontages, speed limits, the distance a building is setback, etc.) as a stand-alone business. This was changed in 2001 when amendment 20 was passed making it easier to calculate sign area for businesses in integrated centers. The ordinance now allows 5 sq. ft. of signage per 1000 sq. ft. of floor area but no less than 40 sq. ft. of signage. Petitioner's business has 8200 sq. ft. of floor area, which means the business is allowed 40 sq. ft. of signage.

No variances for signs have been granted in the Levee since the current ordinance was adopted in 1998. There is currently a nonconforming integrated center sign at the entrance from Brown Street that has the name of the center; it does not list any tenants.

AREA LAND USE PATTERNS:

Buffalo Wild Wings is part of Levee Plaza that includes but is not limited to, a sporting good store, a bar, a restaurant and a few other uses. This development is a suburban style integrated center with a sea of parking between the street and the building.

The city has spearheaded development on the Levee as a whole but Levee Plaza has yet to be included in the redevelopment. The existing building has been in place 50 years and is in need of a facelift.

TRAFFIC AND TRANSPORTATION:

Access to the restaurant is gained from Brown Street. Brown Street is heavily traveled by all modes of transportation including pedestrian, bus, and car.

The Levee Plaza building is set approximately 400' away from Brown Street.

STAFF COMMENTS:

The petitioner is requesting a sign variance to permit 92 sq. ft. of signage instead of the permitted 40 sq. ft. for a primary use in an integrated center; more than doubling the amount normally permitted. Currently the petitioner has signage that exceeds the permitted amount of sign area; the total sign area is 55 sq. ft.

Petitioner is asking for an increase in sign area as part of a remodel. The property is zoned CBW which does not permit a freestanding sign or integrated center sign. The site itself has no unique qualities. The only unique feature in this request is its location in the Levee. Until the site in question is redeveloped in a more urban style, the site stands alone as a suburban design in an area of West Lafayette that is redeveloping into a downtown area with multiple modes of transportation incorporated into the design and layout.

Seeking 92 sq. ft. of signage where 40 sq. ft. is the maximum permitted, significantly changes the character that is being developed in this part of West Lafayette. Not only does the increased sign area dwarf the signage of the center's fellow tenants, it alters the sense of proportion that the Zoning Ordinance requirements are trying to maintain in a downtown urban area. The fact remains that this older suburban style development does not match the intent of the CBW zoning. Like most central business districts, development is required to be set adjacent to sidewalks and roads where it is more visible to the traveling public and accessible to pedestrians. The fact that this development is more than 400' away from Brown Street cannot be considered an ordinance defined hardship. Additionally, tenants in an integrated center are expected to advertise their location within the center.

Regarding this case, the Area Plan Commission unanimously voted that the sign ordinance be strictly adhered to.

Regarding the ballot items:

1. The Area Plan Commission at its January 18, 2012 meeting determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. Allowing an increase in area for a fascia sign will not create a hazard to the public.
3. Use and value of the area adjacent to the property included in the variance request **WILL** be affected in a substantially adverse manner. Allowing one business within a plaza additional sign area gives that business an unfair advantage and could adversely affect the operations of other businesses in the plaza.

4. The terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. All uses in an integrated center are allowed at least 40 sq. ft. of signage and businesses that have over 9000 sq. ft. of floor space get additional sign area. West Lafayette and Tippecanoe County officials believe that this formula provides adequate signage for each tenant and normally recommends against additional sign area without a proven ordinance defined hardship. All the businesses in this integrated center have been subject to the same signage requirements of the Zoning Ordinance since its adoption in 1998, without any variance applications being submitted.
5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. There is nothing peculiar about petitioner's business that would necessitate it having more signage than the other businesses in the same plaza.

Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS** self-imposed and solely based on a perceived reduction of or restriction on economic gain. BW3 is seeking an increase in sign area because they believe it will increase their amount of business.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship. The Zoning Ordinance requirements are sufficient for the advertising needs of the tenants while being appropriate to the integrated center itself. Minimum relief would be to replace the existing signage with a sign that uses the allowable signage area.

STAFF RECOMMENDATION:

Denial